

In the District Court of the United States
For the Middle District of Alabama
Northern Division

Thomas Daniel Veitch 180586
Plaintiff

V
D.K. Corkran, et al.,
Defendants

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2008 FEB 28 A 9:29

Civil Action No. 2:08-CU-43-MEF

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT

MOTION TO PRESERVE ELECTRONICALLY STORED EVIDENCE UNDER
FEDERAL RULES OF CIVIL PROCEDURE RULE 26 (b) (1)

Comes now the Plaintiff to petition the court for good cause to take control, possession from the defendants any and all electronically stored police car dash camera film footage now in the sole control, custody, and possession of Chief Art Baylor defendant in this action. *Footage of my ARREST.*

1. As this electronically stored film footage is stored in a medium which is easily lost, erased or damaged by many accidental or inadvertent means such as lightening strikes, power surges, power loss, improper key input or hardware or software damage, I would partition the court to act in good cause to order immediate discovery of this car dash camera film to preserve this irreplaceable footage as it is evidence of true fact to the plaintiffs civil action against the defendants.
2. As this evidence is of important and relevant probative value to the plaintiff's presumptions stated in the original complaint, this film can establish the basic facts given rise to the presumption. This electronically stored information will have the tendency to make the existance of the presumed fact that Cpl. D. K. Corkran did in fact assault the plaintiff. This electronically stored film footage proves facts that are a consequence of the determination of the action.
3. As this evidence would have the tendency to prove a disputed fact, all measures by the court to save and protect this evidence from damage or destruction or loss is crucial.
4. If this electronically stored film footage is lost by accident or other actions, it would greatly hamper the plaintiff's case which is why I would like the court to take and retain control of this vital informational evidence.
- 5 By the process of "legal reasoning" this evidence possesses sufficient probative value to justify its protection by the court and should not be left to the control of Plaintiff or Defendant but the independant court to protect both parties.

Thomas Daniel Veitch 180586
Plaintiff
Pro se

Attorney of Record

Certificate of Service

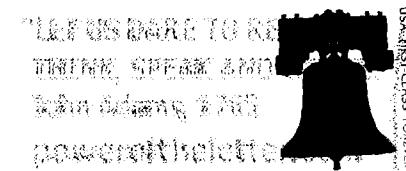
I hereby certify that I have served a copy of the foregoing motion on both defendants, Chief Art Baylor, Cpl. D.K. Corkran by placing a copy of same in the U.S. Mail properly addressed and postage paid on this 27th day of February 2008.

Thomas Daniel Veitch 180586
Plaintiff.

NAME Thomas Neely AIS #180586 DORM #F-4 16A
VENTRESS CORRECTIONAL FACILITY
P. O. BOX 767
Clayton, AL 36016

MONTGOMERY AL 36016

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Debra Hackett
Office of the Clerk
U.S. District Court
Po Box 711
Montgomery AL 36101-0711

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LAW Y

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